IN THE HIGH COURT OF JUDICATURE OF BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.102 OF 2006
IN
APPEAL FROM ORDER (ST.)NO.403 OF 1998

B.M.C. & Ors. ..Applicants.

V/s.

Fahim Y. Rais & Ors. ..Respondents.

Mr.R.A.Malandkar for BMC.

CORAM: A.M.KHANWILKAR,J

DATE : FEBRUARY 10, 2006.

P.C. :

1. Heard counsel for the applicant. Perused the application.

2. For the reasons mentioned in the application, application is allowed in terms of prayer clauses (a) and (b) on condition that the applicants shall serve the respondent No.2 to 4 on or before 24th February, 2006.

3. In case the applicants are unable to serve the said respondents before that date and file affidavit of service because of nonavailability of the said respondent, it will be open to the applicants to take out formal application for substituted service before 24th February, 2006, so

that appropriate orders can be passed on the said application. This application is disposed of.

4. The cognate Civil Application No.5699 of 1998 be listed on 28th February, 2006 under caption "order", instead of 13th February, 2006 in view of this order.